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SOUTH WALPOLE MA 02071
FEBRUARY 05 2021

TOWN OF WALPOLE
ZONING BOARD OF APPEALS
135 SCHOOL ST
WALPOLE MA 02081

John Lee	Chairman
Susanne Murphy	Vice Chair
Robert Fitzgerald	Clerk
Mary Jane Coffey	Member
Drew Delaney	Member
David Anderson	Associate Member

Re: Proposed 40B Case No. 03-20, 55 SS LLC, 51-53-55 SUMMER ST

Enclosing one complete copy of the:

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

RAILROAD OPERATIONS DIRECTORATE

"The attached Specifications are required for any construction and/or related activities on, over, under, within or adjacent to railroad property owned or controlled by the Massachusetts Bay Transportation Authority. They are intended to provide general guidelines and safeguards. Attachment "A" of Construction Guidelines and Procedures contains a summary of MBTA Railroad Operations Specifications which may be required. It is the responsibility of the Contractor to obtain all the necessary specifications for each project."

Copies of Land Court Plan 18584 sheets 1, 2 and 3.

Copy of letter dated November 2, 1965 referencing the Land Court Case of the same number with a second copy of plan sheet 2.

Joanne and Frank Piscitello

cc: Amy Messier, Administrative Assistant



**MASSACHUSETTS BAY
TRANSPORTATION
AUTHORITY**

RAILROAD OPERATIONS DIRECTORATE

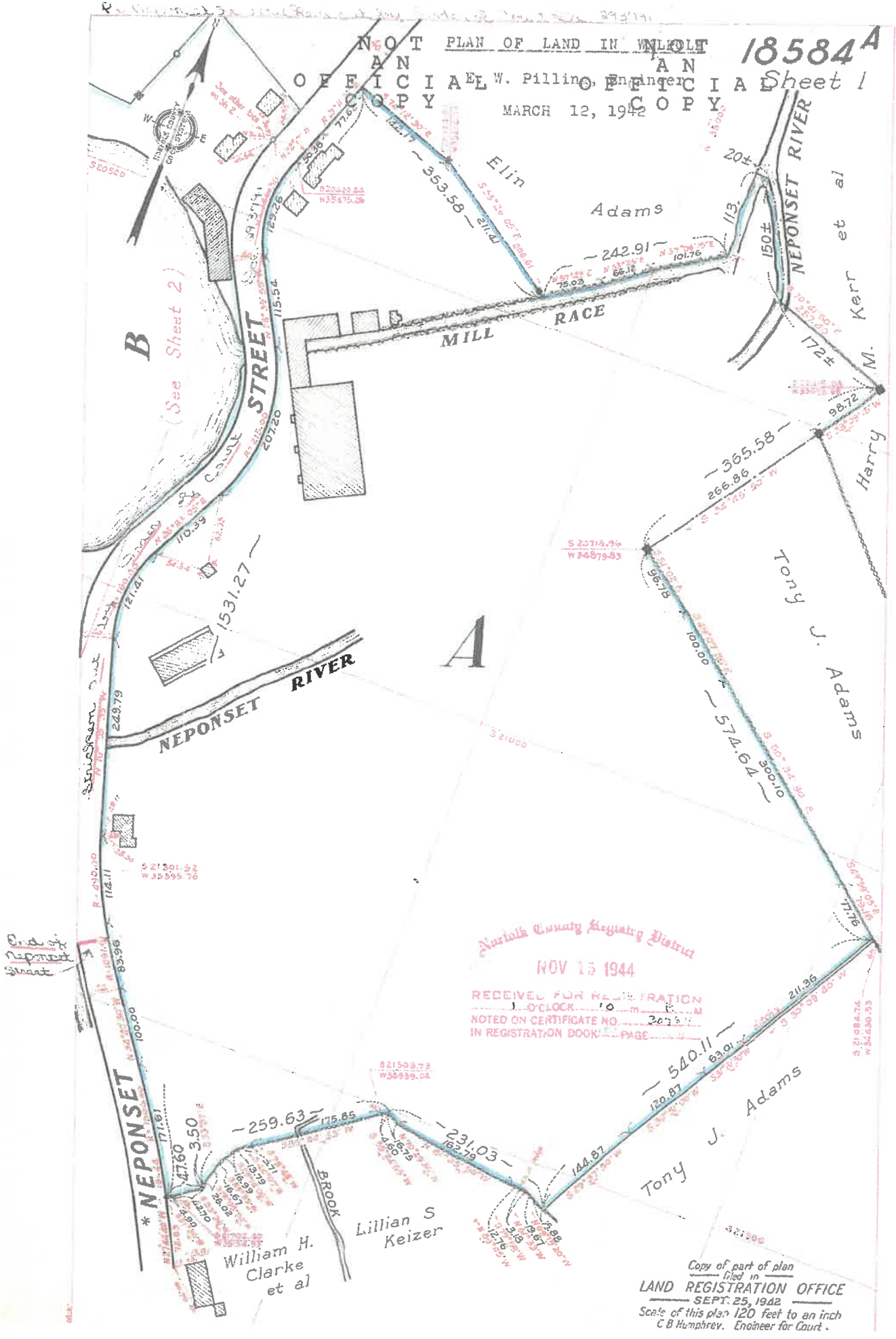
The attached Specifications are required for any construction and/or related activities on, over, under, within or adjacent to railroad property owned or controlled by the Massachusetts Bay Transportation Authority. They are intended to provide general guidelines and safeguards. Attachment "A" of Construction Guidelines and Procedures contains a summary of MBTA Railroad Operations Specifications which may be required. It is the responsibility of the Contractor to obtain all the necessary specifications for each project.

ONE COMPLETE COPY OF THIS DIRECTORATE PROVIDED TO ZBA

MAY 1994

NOT A PLAN OF LAND IN WILLOTT
 AN OFFICIAL EL W. Pillino, Engineer AN OFFICIAL Sheet 1
 COPY COPY MARCH 12, 1942 COPY

18584A



Marble County Register District
 NOV 15 1944

RECEIVED FOR REGISTRATION
 1 O'CLOCK 10 m P.M.
 NOTED ON CERTIFICATE NO. 2672
 IN REGISTRATION BOOK PAGE

Copy of part of plan
 filed in
 LAND REGISTRATION OFFICE
 SEPT. 25, 1942
 Scale of this plan 120 feet to an inch
 C B Humphrey, Engineer for Court.

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18584^A
Sheet 2

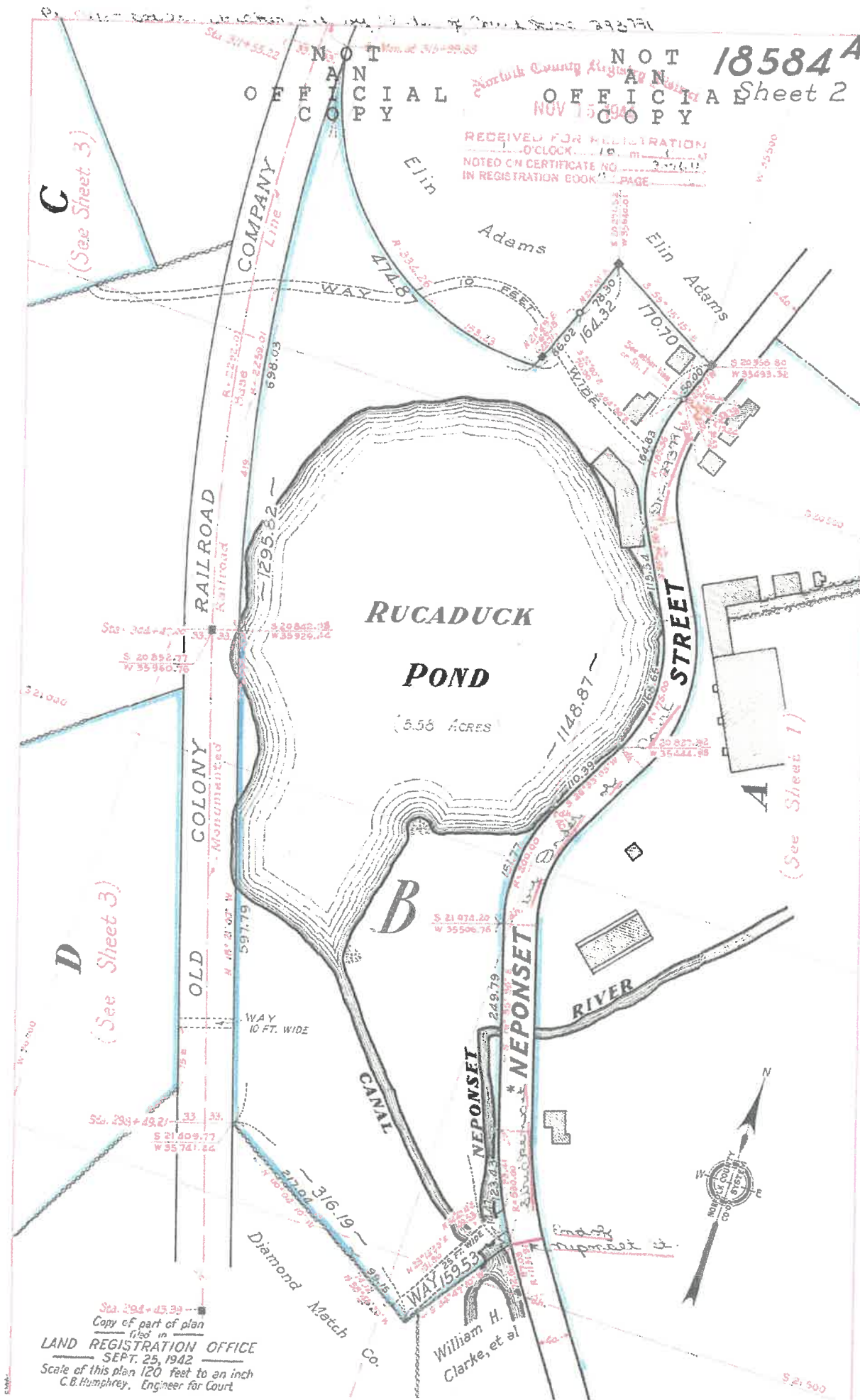
RECEIVED FOR REGISTRATION
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NOTED ON CERTIFICATE NO. 2-1-11
IN REGISTRATION BOOK PAGE

C
(See Sheet 3)

D
(See Sheet 3)

A
(See Sheet 1)

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filed in
LAND REGISTRATION OFFICE
SEPT. 25, 1942
Scale of this plan 120 feet to an inch
C.B. Humphrey, Engineer for Court

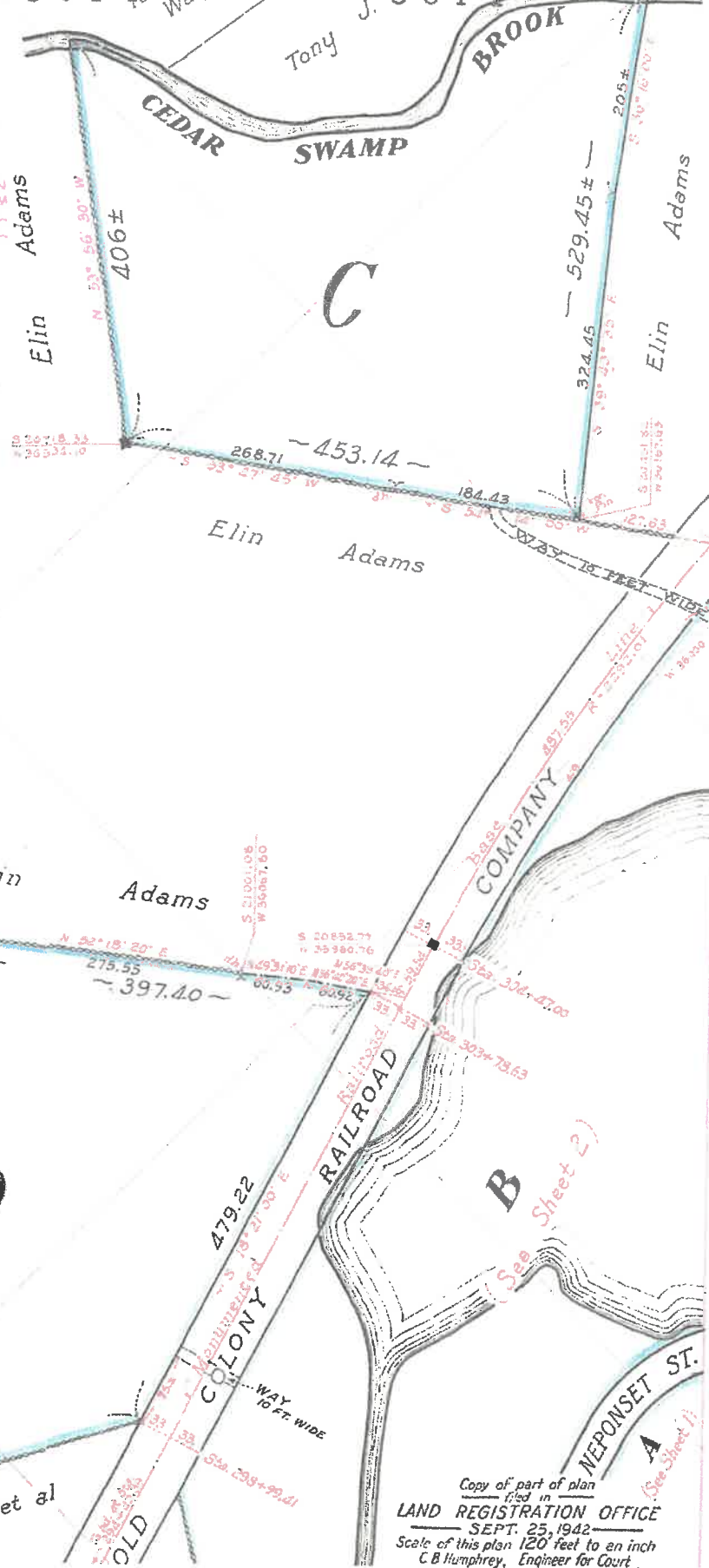
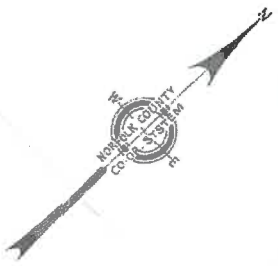


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TOWN of
Walpole

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J. Adams

18584A
Sheet 3

Notary Public
NOV 15 1944
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O'CLOCK - 16 - M
NOTED ON CERTIFICATE NO. 3276
IN REGISTRATION BOOK PAGE 17



Copy of part of plan
1:50 in
LAND REGISTRATION OFFICE
SEPT. 23, 1942
Scale of this plan 120 feet to an inch
C. B. Humphrey, Engineer for Court

N O T
WARNER STACKPOLE STETSON & BRADLEE
A N
84 STATE STREET, BOSTON, MASS. 02109
O F F I C I A L O F F I C I A L
C O P Y C O P Y

November 2, 1965

L. Thomas Shine
Register of Deeds
Norfolk County
High Street
Dedham, Massachusetts

Dear Mr. Shine:

Re: Land Court Case No. 18584 - Certificate of Title
No. 30764 Deeds of the Trustees of the New Haven
Railroad and Bird Machine Company tendered for
record in the Registered Land Section on Tuesday,
November 2, 1965

You have requested from us a letter to clarify the relationship of the above two instruments and plan tendered for record and notation on Certificate of Title No. 30764 in order that they may be more readily connected with the plans and instruments on file.

There are referred to in Certificate Title No. 30764 two rights of way by necessity 10 feet wide described as being across land of the Old Colony Railroad, both of which are shown on Plan 18584A, Sheet 2. One of them is described as leading from Parcel C after crossing intervening land to Parcel B. The other is described as leading from Parcel D to Parcel B. They are circled and marked "X" and "Y" on the Xerox of sheet 18584A, Sheet 2 enclosed.

The effect of the two conveyances is to give to Bird Machine Company a 40 Foot right of way including the location of the former right of way from Lot C to Lot B ("X") and to release Bird Machine Company's rights in the right of way from Lot D to Lot B. ("Y")

The deed of Bird Machine releases all its rights in the easement from Lot D to Lot B and is sufficiently identified by the reference in the release as being the "way 10 Feet wide" running

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directly from Lot D to Lot B approximately 75 feet northerly from the intersection of the southeasterly boundary of Parcel D with the westerly side line of the land of Old Colony Railroad Company as shown on Plan 18584A. A measurement of "75. ±" appears on the plan at this point.

With respect to the grant by the Railroad to Bird Machine more specific clarification is necessary by reason of the fact that the plan of the Railroad tendered with the deed is not specifically keyed to the Land Court Plan. The Railroad Plan describes the center line of the easement as being at its "Station 308 + 70.00".

The southerly point of beginning of the curving line of the Railroad property across which the relevant right of way passes, is shown on Plan 18584A, Sheet 2 as being at Station 304 + 47.00 ("Z" on sketch). As the stations are numbered at 100 foot intervals, the midpoint of the crossing as shown on the new plan is by the Railroad plans 423 feet northerly along the radius line from the station point shown on Plan 18584A, Sheet 2. This may be verified from the fact that there appears on that plan a measurement along the easterly edge of the right of way around the radius 419 feet from the point of the shore of Rucaduck Pond used as a reference and the place at which the southerly edge of the right of way crosses the eastern boundary of the Railroad right of way.

This is verified by other records of the Railroad which were made available to us in connection with the drafting of these two instruments which show that the center line of the existing crossing crossed the base line of the Railroad right of way at Station 308 + 65.00.

Accordingly, the easement granted by the Railroad as shown on the plan filed today has its center line on the base line of the Railroad at the point where the northerly edge of the existing right of way by necessity crossed the railroad base line. The old right of way lies entirely within the new 40 Foot right of way and occupies (approximately only by reason of not having been a right angle crossing) the 10 Feet immediately to the south of the center line of

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November 2, 1965

the right of way newly granted.

I trust that this additional information is sufficient to eliminate any difficulty in relating the new instruments to the existing record.

I thank you for your cooperation in this matter.

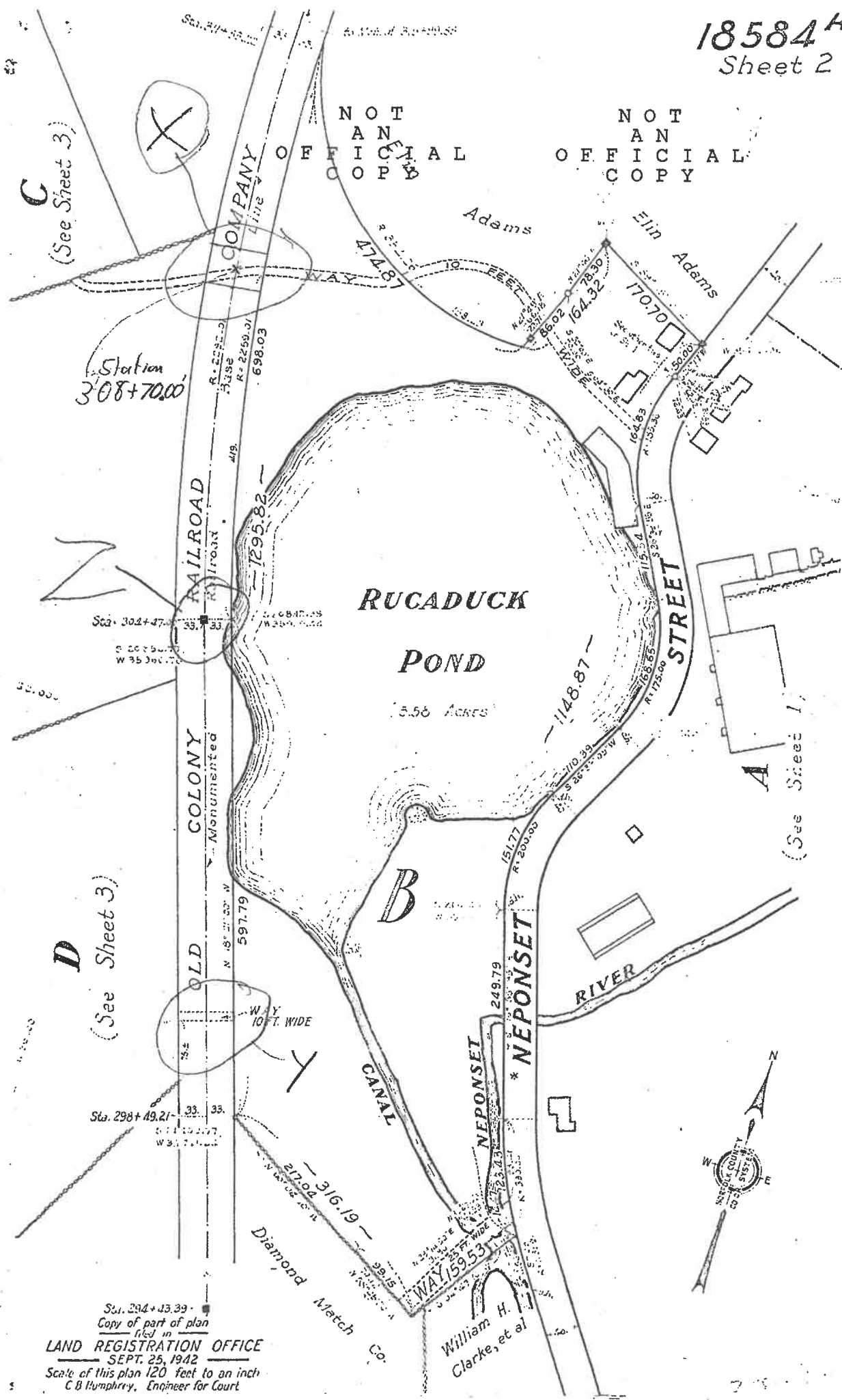
Sincerely yours,


Franklin N. Cunningham

FNC/jaf

Enclosure

cc: Edward M. Sweeney, Esquire



LAND REGISTRATION OFFICE
SEPT. 25, 1942
Scale of this plan 120 feet to an inch
C.B. Humphrey, Engineer for Court

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12 08 P 900
PL 300

PLAN FILED AT TIME OF RECORDING

Marlborough County Registry District
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NOV - 2 1965

12 O'CLOCK 08 m 10 M
NOTED ON CERTIFICATE NO. 302764
IN REGISTRATION BOOK 154 PAGE 164

Hand to
Land Court

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K N O W A L L M E N B Y T H E S E P R E S E N T S : I A L O F F I C I A L
C O P Y C O P Y 623

WHEREAS, In Proceedings for the Reorganization of a Railroad-
entitled: "In the Matter of The New York, New Haven and Hartford
Railroad Company, Debtor", No. 30226, in the United States District
Court for the District of Connecticut, Richard Joyce Smith, William
J. Kirk and Harry W. Dorigan (hereinafter sometimes called the
Grantors) were appointed Trustees of the property of said Railroad
Company and are now acting as such Trustees; and

WHEREAS, under the provisions of the acts of Congress relating
to Bankruptcy and by orders of said Court, the Grantors, as such
Trustees, have title to all of the property of said Railroad
Company; and

WHEREAS, Bird Machine Company, a Massachusetts corporation,
with a principal place of business in Walpole, Massachusetts
(hereinafter sometimes called the Grantee) has two ten-foot rights-
of-way in said Walpole across the Grantors' railroad leading from
Mansfield to Framingham and formerly sometimes known as the Old
Colony Railroad; one of which crossing the Grantee desires to
enlarge and the other of said crossings it desires to relinquish;
and

WHEREAS, the right in the property hereinafter described is
no longer needed in the operation of said railroad or in the conduct
of the business of said Railroad Company, and the Grantors are
authorized to convey said right free from liens except as herein-
after provided:

NOW, THEREFORE, we, RICHARD JOYCE SMITH, WILLIAM J. KIRK and
HARRY W. DORIGAN, as such Trustees, for the consideration of Three
Hundred (\$300.00) Dollars, the receipt hereof is hereby acknowledged,
plus the release of certain crossing rights to be accomplished by
separate instrument in concert herewith, do hereby GRANT to said
Bird Machine Company the permanent right, privilege and easement
to install, use, maintain, repair, replace and remove a private
crossing, at grade, for passway purposes, in, through, and across

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the land and tracks of Grantors' Railroad leading from Mansfield to Framingham, sometimes known as the Old Colony Railroad, in the Town of Walpole, County of Norfolk and Commonwealth of Massachusetts, within the limits of that strip of land 40 feet in width shown on plan to be recorded herewith and made a part hereof entitled: "New York, New Haven And Hartford Railroad Office Of Engineer - Real Estate Easement In Walpole, Mass. To Be Granted To Bird Machine Company Scale 1" = 20' Dec. 1964", the center line of this easement, 40 feet in width and 66 feet in length is radial to Station 308 + 70.00 of the monumented base line of said Grantors' railroad; containing 2,640 square feet; or however otherwise said premises may be bounded and described; and be all or any of said measurements or distances more or less.

EXCEPTING AND RESERVING to the Grantors the right to install, operate and maintain trackage on and across said easement area to provide facilities for sidetracks of adjacent properties.

By the acceptance of this deed the Grantee acknowledges and agrees that this conveyance is subject to the following:

1. The obligation on the part of the Grantee to install, maintain, repair, replace and remove said private crossing only with the prior written consent of the Chief Engineer of the Grantors which consent will not be unreasonably withheld; and to use said crossing in such a manner that it will not interfere directly or indirectly with the safe operation of the railroad thereat.
2. The obligation on the part of the Grantee to reimburse the Grantors for any expense that may be incurred by the Grantors in connection with the installation, maintenance, repair and replacement or removal of said private crossing, or any part of it, including the expense of supervision and direction.
3. The obligation on the part of the Grantee to assume all risk of loss of or damage to property of the Grantee on the referred to 40 foot width, whether occurring through the negligence of the agents or servants of the Grantors or otherwise.
4. The obligation on the part of the Grantee as owner of said private crossing, to pay each and every tax upon said private crossing, or on account of the existence of the same, and to indemnify the Grantors and save them harmless against such taxes.
5. The obligation on the part of the Grantee to install and maintain, and to assume the sole cost and expense of such installation and maintenance of adequate crossing signals for the protection of said grade crossing should said Grantee or the Grantors, or any public authority require such installation.
6. The obligation on the part of the Grantee to hold the

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Grantors harmless against any award of damages obtained against Grantors arising out of any accident occurring on said crossing; said obligation to be evidenced by an insurance policy running to the Grantors and in a form and amount satisfactory to said Grantors.

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All the terms and provisions of this conveyance shall bind and inure to the benefit of the parties hereto and their respective legal representatives, successors and assigns forever.

IN WITNESS WHEREOF, we, the said Richard Joyce Smith, William J. Kirk and Harry W. Dorigan, Trustees as aforesaid, have hereunto set our hands and seals this 15th day of September, A.D. 1965.



Richard Joyce Smith (L.S.)
RICHARD JOYCE SMITH

William J. Kirk (L.S.)
WILLIAM J. KIRK

Harry W. Dorigan (L.S.)
HARRY W. DORIGAN

Trustees of the property of The New York,
New Haven and Hartford Railroad Company.

STATE OF CONNECTICUT)
COUNTY OF NEW HAVEN) ss.

New Haven, September 15, 1965.

Personally appeared Richard Joyce Smith, William J. Kirk and Harry W. Dorigan, Trustees of the property of The New York, New Haven and Hartford Railroad Company, signers and sealers of the foregoing instrument, and acknowledged the same to be their free act and deed, as such Trustees, before me.



Marilyn Baisis
Notary Public

MARILYN BALSIS
My commission expires April 1, 1969.

Approved as to form:

Emg

Description approved:

City